

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SALVADOR A. RODRIGUEZ,

Petitioner,

No. C 04-2233

v.

**ORDER DENYING REQUEST
FOR FEES**

DERRAL ADAMS, Warden,

Respondent.

On March 1, 2007, this court appointed counsel for petitioner Salvador Rodriguez ("Rodriguez") pursuant to 18 U.S.C. § 3006A(2)(B) based on the weakness of his presentation in his petition and traverse, his lack of knowledge of the law and his difficulty handling legal matters, and letters the court received from a former investigator, William Walter Foskett, suggesting that an evidentiary hearing might be appropriate in the case. On March 14, 2007, current counsel, Linda Fullerton, was appointed. On March 4, 2008, following supplemental briefing, the court granted petitioner's request for a stay to exhaust an unexhausted claim in state court.

Ms. Fullerton's April 2, 2008 request for appointment and fees to pursue the exhaustion of Rodriguez's claim in the state court(s) is currently before the court. Unfortunately, counsel's March 1, 2007 appointment and fee authorization covers proceedings before this court only, and funds are not available in conjunction with Rodriguez's state court proceedings. Accordingly, Rodriguez will need to request that the state court provide appointment and fees for counsel. Alternatively, Rodriguez may choose

1 to proceed pro se in the exhaustion of his claim before the state court(s), or Ms. Fullerton
2 may choose to represent Rodriguez on a pro bono basis as well.

3 **IT IS SO ORDERED.**

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5 Dated: April 8, 2008



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7 PHYLLIS J. HAMILTON
United States District Judge